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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/654,733

Applicant(s)

WILLIAMS, EMRYS J.

Examiner

CHARLES C. AGWUMEZIE

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 February 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-2, 4-10, 12-31, 33-37 and 39 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-2, 4-10, 12-31, 33-37 and 39 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 12/22/03.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Acknowledgements

1. In view of the appeal brief filed on February 19, 2008, **PROSECUTION IS HEREBY REOPENED**. An office action is set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

- (1) file a reply under 37 CFR § 1.111 (if this Office action is non-final); or,
- (2) request reinstatement of the appeal. If reinstatement of the appeal is requested, such request must be accompanied by a supplemental appeal brief, but no new amendments, affidavits (37 CFR § 1.130, 1.131, or 1.132) or other evidence are permitted. See 37 CFR 1.193(b)(2).

Status of Claims

2. Claims 1-2, 4-10, 12-31, 33-37 and 39 remain pending.

Specification

3. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required:

- a. "means for storing a set of multiple identifier..." as recited in claim 15
- b. "means for selecting, for each of the plurality of transactions..." as recited in claim 15.

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- c. "means for, creating, a respective transaction record..." ...as recited in claim 15
- d. "means for, storing a plurality of customer account records..." as recited in claim 39.
- e. "means for mapping identifier to corresponding account record..." as recited in claim 39
- f. "means for accessing an identifier..." as recited in claim 39.
- g. "means for accessing digital signature..." as recited in claim 39
- h. "means for updating the customer account..." as recited in claim 39

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

In claim 15, it unclear what is the corresponding structure (and the equivalents thereof) of the

- a. "means for storing a set of multiple identifier..." as recited in claim 15
- b. "means for selecting, for each of the plurality of transactions..." as recited in claim 15.
- c. "means for, creating, a respective transaction record..." ...as recited in claim 15

In claim 39, it unclear what is the corresponding structure (and the equivalents thereof) of the

d. "means for, storing a plurality of customer account records..." as recited in claim 39.

e. "means for mapping identifier to corresponding account record..." as recited in claim 39

f. "means for accessing an identifier..." as recited in claim 39.

g. "means for accessing digital signature..." as recited in claim 39

h. "means for updating the customer account..." as recited in claim 39

Regarding all the means for" phrases, Applicant is again reminded, "For claim clauses containing functional limitation in 'means for' terms pursuant to § 112 ¶ 6, the claimed function and its supporting structure in the specification must be presented with sufficient particularity to satisfy the requirements of § 112 ¶ 2." *S3 Inc. v. nVIDIA corp.*, 259 F.3d 1364, 1367, 59USPQ2d 1745, 1747 (Fed. Cir. 2001) (citations omitted). In other words, "[f]ailure to describe adequately the necessary structure, material, or acts corresponding to a means-plus-function limitation in the written description means that the drafter has failed to comply with Section 112, Para. 2." *Atmel Corp. v. Information Storage Devices, Inc.*, 198 F.3d 1374, 1380 53USPQ2d 1225, 1229 (Fed. Cir. 1999) citing *In re Dossel*, 115 F.3d 942, 945, 42 USPQ2d 1881, 1884 (Fed. Cir. 1997).

Claim Rejections - 35 USC § 112

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

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6. **Claims 14, 20 and 25**, is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The term "specially" in claim 20 is a relative term which renders the claim indefinite. The terms "rate" and "specially" are not defined by the claims, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention (claims 14 and 20). It is unclear how the system establishes an identity of a person who is to hold the account prior to opening the account (claim 25).

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

8. **Claim 16**, is rejected under 35 U.S.C. 102(e) as being anticipated by Keresman, III et al (hereinafter "Keresman") U.S. Patent Application Publication No. 2002/0120583 A1.

9. As per **claim 16**, Keresman discloses an apparatus for use in making a transaction, including:

non-volatile memory containing a set of multiple identifiers, wherein said multiple identifiers are also known to an agency associated with the transaction (figs. 1 and 2, which discloses identifiers 1-6), and

a processor operable to randomly or pseudo-randomly select one identifier from said set of multiple identifiers for use in any transaction (see claims 1, which discloses "select and dispense a previously unused number from the set of random numbers and display the dispensed number and the unique account identifier in the display device").

10. **Claim 30-31, 33-35, 36-37 and 39**, are rejected under 35 U.S.C. 102(e) as being anticipated by Wheeler et al U.S. Patent Application Publication No. 2007/0088950.

11. As per **claim 30**, Wheeler discloses a method of operating a computer account system at an agency, said agency maintaining a plurality of customer accounts on the computer account system, wherein each customer account has a set of multiple identifiers associated therewith, the method comprising:

receiving a request for a transaction on a customer account,

wherein the request comprises a digital signature generated by a transaction device associated with the customer account (0015, which discloses user device that generates digital signatures; 0018, which discloses device that is capable of generating a digital signatures);

verifying the digital signature (0353, which discloses verification status generated by the device);

accessing an identifier within the request (0013, which discloses a unique identifier associated with an account),

determining which set of multiple identifiers the accessed identifier belongs to, and from this determining a customer account for the transaction (0396, which discloses access function that maps a card unique ID into a employee ID, ... or multiple), and

updating the determined customer account in respect of the transaction (0362, which discloses to add, update, or modify an account identifier associated with a particular account).

12. As per claim 31, Wheeler further discloses the method, wherein determining which set of multiple identifiers the accessed identifier belongs to comprises accessing an index that maps identifiers to corresponding account records (0396, which discloses access function that maps a card unique ID into a employee ID, ... or multiple).

13. As per claim 33, Wheeler further discloses the method, further comprising opening a new customer account by: creating a new account record for the new customer account (fig. 4a, establish shell account for prospective account holder; 0023, which discloses establishing a new ABDS account), and

storing a set of multiple identifiers associated with the new customer account into the new account record (fig. 4a, which discloses assign unique identifier to shell account record).

14. As per claim 34, Wheeler further discloses the method, further comprising:

generating the set of multiple identifiers associated with the new customer account (fig. 4a), and

transmitting the generated set of multiple identifiers to a customer transaction device for use with the new customer account (fig. 4a).

15. As per claim 35, Wheeler further discloses the method, further comprising generating at least one cryptographic key for use in communications between the computer account system and the customer transaction device (fig. 4a, which discloses obtain PuK from Device intended for prospective account holder).

16. As per claims 36 and 39, Wheeler discloses a computer account system at an agency, said system comprising:

a plurality of customer account records, wherein each customer account record incorporates a set of multiple identifiers associated therewith (0330, which discloses a device of an account holder with multiple accounts), and

an index that maps identifiers to corresponding account records (0396, which discloses access function that maps a card unique ID into a employee ID, ... or multiple ...),

wherein the system is configured to:

receive a request for a transaction on a customer account, wherein the request comprises a digital signature generated by the transaction device associated with the customer account (0015, which discloses user device that generates digital signatures; 0018, which discloses device that is capable of generating a digital signatures);

access an identifier within the request in order to determine which set of multiple identifiers and hence which customer account the accessed identifier belongs to (0396, which discloses access function that maps a card unique ID into a employee ID, ... or multiple) and

access the digital signature within the request and use a cryptographic key to validate the digital signature (0147, which discloses using hash to verify the signature).

17. As per **claim 37**, Wheeler further discloses the system, wherein the multiple identifiers associated with a customer account record are unique to that account record (fig. 4a, which discloses assign unique identifier to shell account record).

Claim Rejections - 35 USC § 103

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18. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

19. Claims 1-2, 4-5, 7-8, and 9-14, are rejected under 35 U.S.C. 103(a) as being unpatentable over Walker et al U.S. Patent Application Publication No. 2006/0218098 A1 in view of Ritter et al U.S. Patent No. 6,934,689.

20. As per claims 1, and 9, Walker et al discloses an Apparatus for use in transactions, comprising:

non-volatile memory containing a set of multiple identifiers associated with a same customer account, wherein said multiple identifiers are also known to an agency providing said customer account (fig. 1; 0025; 0026; "...plurality of predetermined single-use financial account identifiers..."), and

a processor operable to select for each of a plurality of transactions involving the same customer account, a different identifier from said set of multiple identifiers for use with the respective transaction (fig. 1; 0023; 0047; 0049; "...the encryption data changes for each use of the card so that ... card number is different for each transaction...") and

a communications facility operable to communicate with a terminal (0004; ...wireless connection...; 0047; cardholder transmits the single use number to merchant...;);

generate a transaction record from the bill details (0022; ...including transaction specific data...), and

transmit the transaction record to the terminal through the communications facility (figs. 3 and 4; 0045; 0047; "...transmits the single use number to the merchant...").

21. What Walker et al does not explicitly disclose is:

wherein the apparatus is operable to:

receive bill details for a transaction from the terminal through the communications facility,

22. Ritter et al discloses an apparatus for use in transaction comprising:

wherein the apparatus is operable to:

receive bill details for a transaction from the terminal through the communications facility (col. 2, line 60- col. 3, line 10, which discloses that the payment request of the payment transaction being transmitted from the payment terminal to the mobile device taking part in the respective payment transaction ... a payment record being prepared in the mobile device in that the payment is linked to a customer identification ... the payment record being transmitted from the mobile device to the payment terminal ... where the payment record is further processed and/or passed on, for example to a clearing point)

23. Accordingly it would have been obvious to one of ordinary skill in the art at time of applicant's invention to modify the method of Walker et al and incorporate the apparatus, wherein the apparatus is operable to receive bill details for a transaction

from the terminal through the communications facility in view of the teachings of Ritter, since the claimed invention is merely a combination of old and known elements, and in the combination each element would merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

24. As per claim 2, and 10, Walker et al further discloses the apparatus, wherein each of the identifiers in said set of multiple identifiers is allocated by the agency uniquely to the apparatus (figs. 1 and 10; 0049; 0093; "...instructing card holder to obtain a new device with list of single-use credit card numbers...").

25. As per claim 4 and 12, Walker et al failed to explicitly disclose the apparatus, wherein the transaction record includes a digital signature that is generated using a cryptographic key contained within the non-volatile memory.

26. Ritter et al discloses the apparatus, wherein the transaction record includes a digital signature that is generated using a cryptographic key contained within the non-volatile memory (col. 2, line 60- col. 3, line 10, which discloses that the payment request of the payment transaction being transmitted from the payment terminal to the mobile device taking part in the respective payment transaction ... a payment record being prepared in the mobile device in that the payment is linked to a customer identification ... for example is provided with an electronic signature of the customer or is executed

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as a secured certificate ... the payment record being transmitted from the mobile device to the payment terminal ...).

27. Accordingly it would have been obvious to one of ordinary skill in the art at time of applicant's invention to modify the method of Walker et al and incorporate the apparatus, wherein the transaction record includes a digital signature that is generated using a cryptographic key contained within the non-volatile memory in view of the teachings of Ritter, since the claimed invention is merely a combination of old and known elements, and in the combination each element would merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

28. As per claim 5 and 13, Walker et al further discloses the apparatus, wherein the transaction record is encrypted (0009; 0023).

29. As per claim 7, Walker et al further discloses the apparatus, wherein said apparatus is operable to engage a first class of terminals external to the apparatus for making a transaction, and a second class of terminals external to the apparatus to enter or to update account information stored in the non-volatile memory (fig. 3 and 4; 0093).

30. As per claim 14, Walker et al further discloses the method, further comprising limiting the transaction rate of the device to prevent rapid read-out of the identifiers (0046).

31. Claims 17-25, are rejected under 35 U.S.C. 103(a) as being unpatentable over Keresman et al (hereinafter "Keresman") U.S. Patent Application Publication No. 2002/0120583 A1 in view of Wheeler et al U.S. Patent Application Publication No. 2007/0088950 A1.

32. As per claims 15 and 17, Keresman discloses a method comprising:

- opening an account record in an agency computer system, wherein said agency is to provide the account (0007, which discloses created when the token was manufactured or programmed)
- generating a set of multiple identifiers to be used for transactions on the account (0022, which discloses random numbers are pre-loaded onto the handheld, portable device ... at time of the token's manufacture or by programming the token at later time over the network connection),
- storing the set of multiple identifiers in the agency computer system (see fig. 4, random number database,), and
- storing the set of multiple identifiers on a portable transaction device (0022, which discloses random numbers are pre-loaded onto the handheld, portable device ... at time of the token's manufacture or by programming the token at later time over the network connection);

receiving a public key from the portable transaction device (0010, carry out transaction ... encryption; 0044, which discloses encryption function for submitting dispensed numbers to the authentication system).

33. What Keresman does not explicitly disclose is:

receiving a transaction record comprising a digital signature from the portable transaction device, and
decrypting and validating the digital signature with the public key.

34. Wheeler discloses

receiving a transaction record comprising a digital signature from the portable transaction device (0015, which discloses user device that generates digital signatures; 0018, which discloses device that is capable of generating a digital signatures), and
decrypting and validating the digital signature with the public key (claim 1, which discloses decrypting the digital signature using the public key...).

35. Accordingly it would have been obvious to one of ordinary skill in the art at time of applicant's invention to modify the method of Keresman and incorporate the method, wherein receiving a transaction record comprising a digital signature from the portable transaction device, and decrypting and validating the digital signature with the public key in view of the teachings of Wheeler, since the claimed invention is merely a combination of old and known elements, and in the combination each element would merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

36. As per **claim 18**, Keresman further discloses the method, wherein the identifiers are unique to the account for the agency (0034, which discloses unique set of random numbers; claim1, which discloses assigned a unique account identifier number representing a type of account for conducting a commercial transaction).

37. As per **claim 19**, Keresman further discloses the method further comprising adding the identifiers to an index, wherein said index maps from an identifier to the corresponding account (see claim 1, discloses assigned a unique account identifier number representing a type of account for conducting a commercial transaction).

38. As per **claim 21**, Keresman discloses the method wherein the identifier within said set of multiple identifiers are unrelated to one another (see fig. 1, different identifiers 1-6, 0028)

39. As per **claim 22**, Keresman further discloses the method, wherein the identifiers are generated on the agency computer system, and are transmitted to the portable transaction device for storage thereon (see fig. 2, which discloses that the authentication system computer generates list of random numbers ...transmitted to token device ...).

40. As per claim 23, Keresman failed to explicitly disclose the method further comprising generating at least one cryptographic key for use with the account.

41. Wheeler discloses the method, further comprising generating at least one cryptographic key for use with the account (0005)

42. Accordingly it would have been obvious to one of ordinary skill in the art at time of applicant's invention to modify the method of Keresman and incorporate the method, further comprising generating at least one cryptographic key for use with the account in view of the teachings of Wheeler, since the claimed invention is merely a combination of old and known elements, and in the combination each element would merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

43. As per claim 24, Keresman failed to explicitly disclose the method further comprising making a prepayment onto the account prior to using the account for transactions.

44. Wheeler discloses the method, further comprising making a prepayment onto the account prior to using the account for transactions (0187, "money deposit").

45. Accordingly it would have been obvious to one of ordinary skill in the art at time of applicant's invention to modify the method of Keresman and incorporate the method, further comprising making a prepayment onto the account prior to using the account for transactions in view of the teachings of Wheeler, since the claimed invention is merely a combination of old and known elements, and in the combination each element would

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merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

46. As per claim 25, Keresman further discloses the method, further comprising establishing an identity of a person who is to hold the account prior to opening the account (0007, registration).

47. Claims 26 and 28, are rejected under 35 U.S.C. 103(a) as being unpatentable over Wynn U.S. Patent No. RE38,137 E in view of Ritter et al U.S. Patent No. 6,934,689.

48. As per claim 26, Wynn discloses a method for performing a transaction at a terminal using a portable transaction device, comprising:

generating a bill for the transaction at the terminal (col. 2, lines 40-60 which discloses that the financial transaction records are compiled from financial transaction data communicated between the universal financial data card and a card reader),

engaging the portable transaction device with the terminal (col. 2, lines 40-60 which discloses communication between the universal financial data card and a card reader),

transmitting the bill from the terminal (card reader 202) to the transaction device(UFDC 201) (col. 2, lines 40-60 which discloses that the data exchange circuit

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permits the universal financial data card to receive first selected data from the card reader);

selecting for each of a plurality of transactions involving a same customer account, a different identifier from a set of multiple identifiers stored on the transaction device for use in the transaction (col. 6, lines 10-30, which discloses that the cardholder of UFDC 201 may select, one of the financial accounts for operation),

generating a transaction record on the transaction device, the transaction record incorporating information from the bill and the selected identifier (col. 3, lines 1-10, which discloses that data exchange circuit permits the universal financial data card to receive first selected data from the card reader and to send second selected data to the card reader during a financial transaction pertaining a selected one of the plurality of financial accounts ...complies a transaction record for storage in the memory circuit; col. 4, line 60-col. 5, line 15, which discloses financial data may also include ... account number), and

transmitting the transaction record to the terminal (col. 3, lines 1-10, which discloses that to send second selected data to the card reader during a financial transaction pertaining a selected one of the plurality of financial accounts)

49. What Wynn does not explicitly disclose is:

whether the transaction record incorporates the selected identifier.

Ritter discloses an apparatus for use in transaction comprising:

50. Wherein the transaction record incorporates the selected identifier (col. 2, line 60- col. 3, line 10, which discloses that the payment request of the payment transaction

being transmitted from the payment terminal to the mobile device taking part in the respective payment transaction ... a payment record being prepared in the mobile device in that the payment is linked to a customer identification ... for example is provided with an electronic signature of the customer or is executed as a secured certificate ... the payment record being transmitted from the mobile device to the payment terminal ...).

51. Accordingly it would have been obvious to one of ordinary skill in the art at time of applicant's invention to modify the method of Wynn and incorporate the apparatus, wherein the apparatus is transmitting the bill from the terminal to the transaction device in view of the teachings of Ritter, since the claimed invention is merely a combination of old and known elements, and in the combination each element would merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

52. As per claim 28, Wynn further discloses the method, wherein the transaction device is associated with a customer account, and wherein said multiple identifiers are also known to an agency providing said customer account, the method further comprising:

transmitting the transaction record from the terminal (card reader 202) to an agency computer (central data system 210) (col. 6, lines 10-30, which discloses that the card reader 202 then contacts the central data system 210 for selected account...),

accessing an account record for the customer account based on the selected identifier included in the transaction record (col. 6, lines 10-30, which discloses that the card reader 202 then contacts the central data system 210 for selected account...),

validating the transaction (see fig. 18 which discloses steps for verifying that access to a particular account is authorized ...), and

updating the account record in respect of the validated transaction (fig. 20, which discloses store new balance in UFDC; fig. 21, which discloses record new balance ...).

53. **Claims 6**, is rejected under 35 U.S.C. 103(a) as being unpatentable over Walker et al U.S. Patent Application Publication No. 2006/0218098 A1 in view of Ritter et al U.S. Patent No. 6,934,689 and further in view of Palomo et al U.S. Patent Publication No. 2003/0120527 A1.

54. As per **claim 6**, both Walker et al and Ritter et al failed to explicitly disclose the apparatus, wherein said apparatus is provided within inert packaging to allow implantation into the human body.

55. Palomo et al discloses the apparatus, wherein said apparatus is provided within inert packaging to allow implantation into the human body (0025, which discloses that '741 patent describes a computer system and method for storage of individual medical histories ... the size of which is that of a credit card including the possibility of implanting the storage device under the skin of the patient's upper torso).

56. Accordingly it would have been obvious to one of ordinary skill in the art at time of applicant's invention to modify the method of Walker et al and incorporate the apparatus, wherein said apparatus is provided within inert packaging to allow implantation into the human body as taught by Palomo et al since the claimed invention is merely a combination of old and known elements, and in the combination each element would merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

57. **Claim 8** is rejected under 35 U.S.C. 103(a) as being unpatentable over Walker et al at U.S. Patent Application Publication No. 2006/0218098 A1 in view of Ritter et al U.S. Patent No. 6,934,689 and further in view of Pitroda U.S. Patent Application Publication No. 2005/0247777 A1.

58. As per **claim 8**, both Walker et al and Ritter et al failed to explicitly disclose the apparatus, further comprising first and second power circuits that are activated by said first and second class of terminals respectively, wherein activation of said second power circuit does not allow account information to be entered or updated in at least certain portions of said non-volatile memory.

59. Pitroda discloses the apparatus, further comprising first and second power circuits that are activated by said first and second class of terminals respectively, wherein activation of said second power circuit does not allow account information to be

entered or updated in at least certain portions of said non-volatile memory (see figs. 3; 0014).

60. Accordingly it would have been obvious to one of ordinary skill in the art at time of applicant's invention to modify the method of Walker et al and incorporate the apparatus, further comprising first and second power circuits that are activated by said first and second class of terminals respectively, wherein activation of said second power circuit does not allow account information to be entered or updated in at least certain portions of said non-volatile memory in view of the teachings of Pitroda since the claimed invention is merely a combination of old and known elements, and in the combination each element would merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

61. **Claim 27** is rejected under 35 U.S.C. 103(a) as being unpatentable over Wynn U.S. Patent No. RE38,137 E and Ritter et al U.S. Patent No. 6,934,689 and further in view of Wheeler et al U.S. Patent Application Publication No. 2007/0088950 A1.

62. As per **claim 27**, both Wynn and Ritter failed to explicitly disclose the method, wherein the transaction record includes a digital signature from the transaction device.

63. Wheeler discloses the method, wherein the transaction record includes a digital signature from the transaction device (0332)

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64. Accordingly it would have been obvious to one of ordinary skill in the art at time of applicant's invention to modify the method of Walker et al and incorporate the method, wherein the transaction record includes a digital signature from the transaction device in view of the teachings of Wheeler, since the claimed invention is merely a combination of old and known elements, and in the combination each element would merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

65. **Claim 29**, is rejected under 35 U.S.C. 103(a) as being unpatentable over Wynn U.S. Patent No. RE38,137 E in view of Ritter et al U.S. Patent No. 6,934,689 and further in view of Braun et al U.S. Patent No. 4,321,672.

66. As per **claim 29**, both Wynn and Ritter failed to explicitly disclose the method, wherein prior to transmitting the transaction record from the terminal to the agency computer, the terminal incorporates its own copy of the bill into the transaction record.

67. Braun et al discloses the method, wherein prior to transmitting the transaction record from the terminal to the agency computer, the terminal incorporates its own copy of the bill into the transaction record (see abstract, which discloses incorporating transaction data and security information in message transmitted from a terminal, a financial institution can verify the validity of the transaction).

68. Accordingly it would have been obvious to one of ordinary skill in the art at time of applicant's invention to modify the method of Wynn and incorporate the method, wherein prior to transmitting the transaction record from the terminal to the agency computer, the terminal incorporates its own copy of the bill into the transaction record in view of the teachings of Braun et al, since the claimed invention is merely a combination of old and known elements, and in the combination each element would merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

Response to Arguments

69. Applicant's arguments with respect to claims **1-2, 4-10, 12-31, 33-37 and 39** have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

70. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

71. A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

72. **Examiner's Note:** Examiner has cited particular columns and line numbers in the references as applied to the claims below for the convenience of the applicant. Although the specified citations are representative of the teachings in the art ad are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested that the applicant, in preparing the responses, fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner.

73. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Charles C.L. Agwumezie** whose number is **(571) 272-6838**. The examiner can normally be reached on Monday – Friday 8:00 am – 5:00 pm.

74. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Andrew Fischer** can be reached on **(571) 272 – 6779**.

75. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status

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information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Charlie C Agwumezie
Examiner, Art Unit 3621
May 9, 2008

**/Kambiz Abdi/
Supervisory Patent Examiner, Art Unit 3692**